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Oregon Adoption Laws and Procedures: A City Club Report

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Oregon Adoption Laws and Procedures

A CITY CLUB REPORT

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PREFACE

The cost of publishing the report, *Oregon Adoption Laws and Procedures*, has been defrayed by an appropriation from the City Club's Research Fund. The Research Fund, established in 1945, is supported in two ways: by "sustaining members" who pay extra yearly dues, and by other members who contribute to the fund from time to time as they are able. These members' continued interest in the fund is evidence that the City Club anticipates many years of service to the community, and that it hopes to be able to meet the challenge of studies that cannot be undertaken within the limits of the operational budget.

In your Board's judgment *Oregon Adoption Laws and Procedures* is the kind of report for which the Research Fund was designed to pay. The nature of the assignment demanded research that cannot be done hastily, and a presentation that cannot be made briefly. The committee's careful and intensive study resulted in the very long report which is presented herewith.

Your Board of Governors believes that this study will be instructive and useful to members of the City Club and to the community. It hopes that its appearance will be not only a satisfaction to those who have made its publication possible, but an encouragement to the membership to give the Research Fund continued and augmented support.

RICHARD M. STEINER,
President

REPORT OF CITY CLUB COMMITTEE

on

OREGON ADOPTION LAWS AND PROCEDURES

To the Board of Governors of the City Club of Portland:

This committee was assigned to study the placement of children for adoption under Oregon adoption laws and procedures and was directed particularly to report on the following matters:

1. What safeguards are needed to protect the rights of the child and the welfare of the community when a child is losing his own family and is to become a part of a new family, previously unrelated to him?
2. To what degree does current legislation provide adequate safeguards in adoption, and are such legal provisions being enforced?
3. How serious a situation exists in Portland regarding the indiscriminate giving away of children without adequate study, whether the motive be financial gain or as a favor or whether it is merely a well-intentioned but casual disposition?
4. What steps are recommended to correct any problem found to exist?

Scope and Plan of Report

Adoption is a many-faceted subject and one not easily confined within the limits of a City Club report. Faced with the necessity of selection, the committee concluded that its report could be most helpful by clarifying those aspects of adoption which are least understood by the public generally.

In accordance with this plan the committee has sought (a) to sketch broadly the significance of adoption to the child, to the surrendering parents, to the adoptive parents, and to the community, and to outline the standards by which it proposes to test adoption procedures in Oregon; (b) to summarize certain statistical material bearing on the extent of adoption problems in Oregon; (c) to describe the two principal types of adoptions in Oregon, filling in the background of the statutory provisions applicable to each type and the role played by various groups in each type of adoption; (d) to discuss the deficiencies which the committee found to exist in Oregon adoption laws and procedures; and (e) so far as the committee could find them, to suggest solutions for those deficiencies.

It should be noted at the outset and kept in mind in reading the entire report that the committee concerned itself only with unrelated adoptions, that is, the adoption of a child by a family unrelated to him.

The method of the committee's investigation is described in Appendix A.

Introduction to Adoption

It is probably fair to say that in the minds of the general public adoptions are like the happy endings in the movies: It seems pleasant and right that the homeless child and the adoptive parents should be brought together and the desires of each of them thus satisfactorily filled. This popular view ignores the fact that every adoption has its origin in family tragedy — such as divorce, death of one or both parents, or birth of a child out of wedlock. For at least one of the three groups immediately concerned — the surrendering parent or parents — placing the child for adoption frequently is the only solution to their problem, but for them it is never a joyful solution. And even for the other two groups involved — the children and the adoptive parents — we may question whether present adoption procedures in Oregon provide the best assurance for a happy ending.

The provision of adequate safeguards in adoptions is clearly a state and community responsibility. Adoptions of children by families unrelated to them are presently occurring in Oregon at the rate of approximately 600 per year. Thus, it can be assumed that in ten years some 6,000 additional children will be living in adoptive homes. With this number of future citizens involved, the likelihood that inadequate adoption procedures will create

substantial social problems obviously justifies close scrutiny of adoption practices by the state and the community. Moreover, it should not be overlooked that adoption as a legal status owes its existence to Oregon statutes and is put into effect by a decree of an Oregon court. Having thus given life and sanction to adoptions, the state may properly be charged with responsibility for supervision of adoption practices.

In scrutinizing Oregon's adoption laws and procedures the committee has accepted the modern and, it believes, the sound view that the primary criterion must be the needs and welfare of the child. Increased public acceptance of adoption in the past 15 years has brought a vastly increased demand by prospective adoptive parents for children to adopt, so that today there are many more people seeking children than there are children available for adoption. Adoption procedures must be adequate to protect the child against the potentially harmful results of this unfilled demand for children and the pressures which it creates. By far the greater percentage of children involved in unrelated adoptions are too young to look after their own interests; most of them are under six years of age, and many are infants. For these children, proper adoption procedures provide the only safeguards.

Though the primary emphasis in adoptions must be on the welfare of the child, proper adoption procedures likewise provide protection for the surrendering parents by assuring them that they have adequate counseling and an opportunity to think the matter over carefully before reaching a decision to surrender the child, and for the adoptive parents by assuring them that the background of the child has been checked and by insulating them from the natural parents. These principal objectives in adoption laws and procedures have been summarized by the Children's Bureau of the Federal Security Agency as follows:

"Objectives in adoption law

"To Protect the CHILD —

from unnecessary separation from parents who might give him a good home and loving care if sufficient help and guidance were available to them; from adoption by persons unfit to have responsibility for rearing a child; and — from interference after he has been happily established in his adoptive home, by his natural parents, who may have some legal claim because of defects in the adoption procedure.

"To Protect the NATURAL PARENTS —

from hurried decisions to give up a child, made under strain and anxiety.

"To Protect the ADOPTING PARENTS —

from taking responsibility for children about whose heredity or capacity for physical or mental development they know nothing;
from later disturbance of their relationship to the child by natural parents whose legal rights had not been given full consideration."*

The committee has accepted this statement of objectives as the basic criteria which it will apply in evaluating the Oregon adoption laws and procedures.

Extent of Adoptions in Oregon

What is the extent of the adoption problem in Oregon? Statistically and practically the problem is marked by two principal trends. The first is the tremendous increase in the total number of adoptions in recent years. For the fiscal year ending June 30, 1935, petitions were filed in 145 cases of unrelated adoptions; for the year ended June 30, 1940, the number was 180; for the year ended June 30, 1950, it was 581; and for the year ended June 30, 1951, it was 658. Percentage-wise the increase from 1935 to 1951 was 265 per cent. This increase is roughly paralleled by similar increases in other states. Thus, in six states for which statistics were available, a study showed three times as many children adopted in 1944 as in 1934.** It may be surmised that this marked increase in the number of adoptions is due in part to more prosperous economic conditions, and even more to the greater public acceptance during the past decade and a half of adoptions as a method of family life. Whatever the causes, the result is vastly increased pressure by prospective adoptive parents to obtain the children available for adoption.

The second principal trend evident in recent years both in Oregon and in the nation is the increasing percentage of so-called "independent placements." (For purposes of this report an "independent placement" in Oregon is one made without the aid of one of the six child-caring agencies licensed by the Oregon State Public Welfare Commission to place children for adoption. These agencies, whose work will be described in greater detail in a subsequent portion of this report, are Boys and Girls Aid Society of Oregon, Waverly

*Essentials of Adoption Law and Procedure, Children's Bureau Publication No. 331, 1949.

**Zarefsky, Children Acquire New Parents, "The Child," Vol. 10, p. 142ff (March, 1946). An interesting local sidelight is Zarefsky's statement that: "In proportion to the population under 21 years of age in the state, the number of children for whom petitions were filed in Oregon was more than nine times that in North Carolina, the states reporting the highest and lowest rates respectively."

Baby Home, Catholic Charities, Albertina Kerr Homes, Jewish Family & Child Services, and Children's Farm Home.)

Turning again to the statistics for the years ended June 30, 1935, 1940, and 1950, respectively, we find that in 1935 agency petitions amounted to 77 out of 145 petitions filed for unrelated adoptions, or 53 per cent of the total in that year; in 1940 the agency petitions amounted to 72 out of 180, or 40 per cent; in 1950 the agency petitions amounted to 137 out of 581, or 24 per cent. For 1951 the State Public Welfare Commission has not yet released its formal statistics. It appears, however, that in that year agency petitions accounted for 207 out of the total of 658, or 31 per cent. It is evident that although agencies have more than doubled the number of adoptions handled by them in 1951 as compared with 1935, independent adoptions have increased more than 500 per cent in the same period, and that the great bulk of present-day adoptions are independent placements.

This tremendous increase in the number and percentage of independent placements arouses curiosity as to the persons who play some part in making such placements. In a tabulation for the year ended June 30, 1950, the Oregon State Public Welfare Commission first segregated the placements made by parents, relatives and licensed agencies. Where the Commission was in doubt the placement was listed as made by parents. The 183 placements remaining after this segregation were attributed by the Commission on the basis of definite information to the following groups:

Physicians	125
Attorneys	12
Nurses	4
Hospitals	2
Court	2
Others	38

There are set forth in the appendix to this report a number of tables compiled by the State Public Welfare Commission reflecting the sex and race of persons named in adoption petitions; the age of the person being adopted at the time of the adoption; the legal status of the person being adopted at the time of the petition for adoption; the counties in which adoption petitions were filed; the relationship to petitioners of the person being adopted; and the persons or agency making the placement. From these tables it is possible to gain a composite statistical picture of the children with respect to whom adoption petitions were filed during the year ending June 30, 1950, the last year for which complete statistics have been issued.

General Procedure for Handling Adoptions in Oregon

ADOPTION STATUTES: Broadly speaking, the Oregon laws relating to adoption fall into two categories: The statutory provisions which prescribe the court proceedings culminating in the adoption decree, and placement statutes which impose restrictions on the placing of children in homes in contemplation of adoption. To the extent that a comparative valuation can be made, it seems fair to say that the Oregon legislation relating to adoptions (which was last substantially revised in 1919) is neither notably superior nor inferior to that in a majority of other states. Moreover, deficient though the Oregon statutes are in many respects, it is well to remember that in this field, as in so many others, the principal deficiencies cannot be cured overnight simply by passing a new law.

In the course of its investigation, your committee found that a surprising number of people who had some contact with adoptions (for example, doctors and ministers) had no real understanding of the operation of the Oregon laws relating to adoption. The committee has thought it desirable, therefore, to present first a generalized resume of the court proceedings which are required under Oregon adoption statutes, and a similar resume of the placement laws in Oregon.

PROCEDURE IN INDEPENDENT PLACEMENTS: The Oregon statutes contemplate that where a married couple are adopting a child, both adoptive parents will file a petition with the court asking for a decree of adoption. Normally, in independent adoptions, the written consent of the natural parent or parents is attached as an exhibit to the petition. A copy of the petition is served on the State Public Welfare Commission. Within 30 days* the Commission files with the court its report setting forth the results of its investigation as to the status of the child and the suitability of the adoptive parents. Following the filing of the Commission's report, the petitioners and their attorney appear before the court in an *ex parte*** hearing and secure a decree of adoption and change of name of the child. The records of the case are then sealed and may be unsealed only on order of the court. On receipt of a certified copy of the adoption decree, the State Board of Health issues a birth certificate in the new name of the adopted child.

How might an independent adoption*** proceed under these statutory provisions?

*The Commission may secure an extension of this period by applying to the court.

**An *ex parte* hearing is an uncontested hearing held at the instance of and for the benefit of one party only without notice to persons who may be adversely interested.

***The committee recognizes that it may be misleading to describe any adoption as "typical;" it believes, however, that the hypothetical adoption here described is reasonably representative of a very large number of independent adoptions.

Suppose that Mr. and Mrs. X, of Coos County, are friends of Dr. Y, a Portland obstetrician, and have told him of their desire to adopt a child. Dr. Y advises them that he will shortly deliver at a Portland hospital a child of an unwed mother who has indicated that she would like to surrender the child for adoption. Mr. and Mrs. X arrange to pay the mother's hospital bill and a reasonable fee to the doctor for his obstetrical services. With the help of an attorney, they secure the mother's signature to a consent to adoption and take the baby home from the hospital about a week after birth. Shortly thereafter they file in Multnomah County a petition for adoption, and serve a copy on the State Public Welfare Commission. The Commission, through a case worker in Coos County, calls on the adoptive parents and makes a factual report on them and their home. The Commission also attempts to check on the natural mother of the child. The mother has, however, left the hospital and cannot be traced; she had told the doctor that she had lived in and completed high school in a small city in southern Oregon. She declined to give any information regarding the identity of the father of the child. The Commission is unable to find any record of the mother in the southern Oregon city under the name she had given.

The Commission's report to the court contains nothing unfavorable to Mr. and Mrs. X. It also sets forth the meagre facts the Commission has discovered in its investigation of the mother's background. On this record the petitioners and their attorney ask for and are granted a decree of adoption.

PROCEDURE IN OREGON IN AGENCY-SUPERVISED ADOPTIONS: Licensed child-caring agencies are authorized to receive children from their parents and to take from the parents a release or surrender expressly reciting that it is given for the purpose of adoption. No adoption petition based upon such a release can be filed until six months have elapsed after the signing. However, the surrendering parents may waive this six-month waiting period by signing and attesting a certificate stating that they waive their rights to personal appearance in court in connection with the adoption of their child. (Section 126-328, O.C.L.A.). It is common practice among Oregon agencies to take this additional waiver, although it is also common practice to wait six months to a year after placing a child in the respective adoptive parents' home before permitting an adoption petition to be filed. When the adoption petition is filed by the adoptive parents, there must also be filed a copy of the surrender by the natural parents and a written consent by the agency to the proposed adoption. This consent must show that sufficient and satisfactory investigation of the adoptive parents has been made by the agency, and must recommend that the petition be granted. A copy of the petition is served on the State Public Welfare Commission, and the Commission files a report with the court, although it normally makes no independent investigation where an agency is involved. Upon the entry of the adoption decree the adoptive parents can obtain a corrected birth certificate from the State Board of Health.

Because the procedure for handling adoptions varies widely among agencies, it is impossible to describe a "typical" agency adoption. The following hypothetical illustration of an agency adoption represents what the committee believes to be a high standard of work by an agency. It must be recognized, however, that not all Oregon agencies follow the procedures or achieve the standards herein described.

Many unmarried mothers seek counsel and assistance from this agency during their pregnancy or after their child has been born. They may have ample money to meet all expenses or they may be penniless. Many of them have come to a new locality to hide their secret from family and friends. Sometimes they have definite plans to relinquish the child or they may plan to build a new life with him. Usually, however, they are in serious conflict as to what they should do and are uncertain about what will happen to them in the future.

Jane Smith might be one of them. She comes to the agency when she is six months' pregnant. She has very little money, no place to live, and says she must place her baby in adoption. She talks with an understanding and trained counsellor who makes arrangements for her to live with a private family where she will receive friendly care. Since she has not been receiving medical attention, arrangements are also made for prenatal care and confinement in a private hospital used by the agency.

Miss Smith has regular conferences with the agency's counsellor. She learns how adoptive families are selected and how placements are made. She develops confidence in her counsellor, and she finally explains that she really hopes to be able to keep her baby, even though she feels that her family would never be able to accept such a decision. The counsellor helps Miss Smith to evaluate her feelings, and assists her in seeing that some of her ideas are sound and some are not. Temporarily the adoption plan is held in abeyance. Background information about both the mother and the father and their families is secured in case it may be needed later.

After Miss Smith and her baby are released from the hospital, she decides to live at the YWCA and secure temporary employment. As she wishes more time before reaching a decision regarding her child's future, she requests the agency to care for her child in one of its supervised foster homes. After a few weeks she decides that adoption is really the best plan for her baby and she signs the necessary papers relinquishing guardianship

to the agency. She asks if she can be told something about the family when her baby is placed, and she is assured that this can be done but understands that she will not be told their identity.

Throughout this time the agency has been considering possible families for children who might be released for adoption. A number of families who have been studied by the agency seem suitable for this baby. After the mother's decision is definite, one of the families is told about the baby. After seeing the child, they decide that they would like to adopt him. The child remains with them for a year, by the end of which time the final legal steps in adoption are concluded. During this year there has been ample opportunity for discussion with the family of problems which might be arising then or later. If for any reason the family had felt that this placement had not developed satisfactorily, a change could have been made during the year. The agency remains available for continued consultation whenever the family feels this would be helpful.

How well have the respective procedures followed in the independent adoption and in the agency adoption described above safeguarded the interests of the several parties involved?

THE NATURAL MOTHER:

(a) *Independent adoption.*

It is obvious that in the independent adoption the natural mother has no opportunity to formulate a plan for her child free from the pressures of (i) the necessity for secrecy, (ii) the necessity of securing and paying for hospital and medical care, and (iii) the nervous tension which most mothers experience at the time of childbirth. She has surrendered the child to strangers who are known to her only as persons recommended by the doctor as likely to be "good" parents. Under the procedure frequently followed, she will not know the names of the adoptive parents. Thus, when the consent form was presented to her at the hospital it was folded so that the names of the adoptive parents could not be seen. She was told she could examine the names if she wished, but that the prospective parents would prefer that their names not be disclosed to her. She has no assurance that the prospective adoptive parents will ever file an adoption petition, in which event she will remain the legal parent of the child, although completely unable to trace its whereabouts.

(b) *Agency adoption.*

The natural mother has been assisted and counseled by the agency's trained social workers to think through and reach an independent decision as to whether she should surrender the child. If it seems indicated, the agency will care for the child in a foster boarding home for several months while she makes her decision. Having decided to surrender the child to the agency for adoption, she is assured that so far as the agency's trained staff can do so they will select from a large group of applicants the couple who are thought likely to provide the best and most suitable home for the child. She also is assured that if during the one year waiting period before the agency will consent to the adoption either the agency or the adoptive parents have any doubts regarding the advisability of carrying the adoption through to completion, the agency stands ready to take custody of the child once more and work out new plans for his ultimate placement.

THE ADOPTIVE PARENTS:

(a) *Independent adoption.*

Under the situation outlined in the independent adoption, the adoptive parents are subject to several very disquieting possibilities. First, they know nothing of the heredity of the child and run some risk that he may be subject to hereditary diseases which make it unlikely that he will develop normally. Second, the lack of verification of the natural mother's identity opens the possibility that she is married and that the failure to obtain her husband's consent to the adoption may result in the child being taken from them or in such unpleasantness as the payment of a substantial sum for the husband's consent. Third, if before entry of the adoption decree the adoptive parents decide for any reason they do not wish to keep the child and complete the adoption, they have no way of finding the mother and have no

(b) *Agency adoption.*

So far as the child's heredity is concerned, the adoptive parents have the substantial assurance provided by the agency's investigation of the background of the natural mother and, to the extent possible, of the father. They have the protection afforded by the scrutiny of the agency's workers and attorney of the legal efficacy of the surrender taken by the agency. They have been advised of the results of the examination of the child by the agency's pediatrician and its psychiatrist. And they know that if the adoption is not completed the agency stands ready to re-assume the custody of the child.

other person or agency standing ready to take over the custody they have accepted. If they try to pass the child on to another couple they find that they have no standing to execute a sufficient consent for the adoption of the child by the new couple.

THE CHILD:

(a) *Independent adoption.*

In the independent adoption such as that described above, the child is subjected to all of the risks inherent in an unsupervised placement. The selection of the adoptive parents has been largely a matter of chance. These parents are under no legal compulsion to adopt him. If they fail to do so, he will remain legally the son of his natural mother, who has disappeared, and his legal status and rights will be clouded in uncertainty.*

(b) *Agency adoption.*

Where an agency stands between the natural mother and the adoptive parents, the agency can provide a suitable foster home for the child if additional time is needed while plans are being made for his future. The adoptive parents have been carefully selected by trained workers, who have attempted to find the most desirable home for this particular child. If for any reason the adoptive parents do not complete the adoption, the agency will again assume responsibility for him and will work out a new plan for his future.

Adequate Safeguards in Adoptions

The foregoing summaries contrasting the procedures which might be followed in an independent adoption and in an agency adoption lead naturally to the query: What are adequate safeguards in adoption procedures? The committee's study disclosed that there were at least five safeguards which can be classed as essential:

(1) The natural parents, and particularly unwed mothers, are entitled to skilled counsel to help them reach an unhurried decision as to whether adoption is the best plan for the child. On the other side of the picture, there should be some investigation of the family history of the child to obtain any information regarding his hereditary background which might be helpful in determining his adoptability.

(2) There should be a thorough study of the child to determine his physical health, his intelligence, his maturity level, his emotional stability, and his state of development.

(3) Like the child, the prospective adoptive parents should be evaluated in terms of their health, intelligence and emotional stability. Additional information should be obtained regarding their home environment, their ability to provide the child with the necessities in life and with reasonable educational advantages, their motives for adoption, and their capacities as parents. The mere fact that a couple wants a child does not necessarily mean that they will make good adoptive parents or that they are ready for adoptive parenthood. Not infrequently investigation reveals motives which involve substantial hazards for the child: One or both spouses feel that a child will prevent the marriage from breaking up; the husband hopes adoption of a child will cure his wife's nervousness; or the wife hopes it will keep the husband home in the evening. In short, simply to know that the prospective parents have a good standing in the community is not enough. Essentially, the investigation must give assurance that the parents are willing and able to give the child love and security.

(4) The child's needs should be matched with the prospective parents' abilities to answer those needs. Consideration should be given to such factors as nationality and background, religion, temperament, physical appearance and intelligence. None of these factors should be controlling; any of them can be disregarded as unimportant in a particular situation, but over all they are helpful in promoting the greatest happiness for both the adopting family and the child.

(5) There should be a probationary period of six months to a year prior to legal consummation of the adoption. During this time the adoptive parents should be assisted in their efforts to integrate the child into the family. In the same period the adjustment of the child to the adoptive family and his rate of development can be studied. If it should finally appear that the proposed adoption will not work out satisfactorily, the placement should be terminated before any formal legal proceedings for adoption are instituted.

*The committee's description of a hypothetical independent adoption and of the hazards which such an adoption involves for the mother, the child and the adoptive parents must not be taken to mean that the committee regards all or even a majority of independent adoptions as failures. Actually, the adoption in the hypothetical illustration might work out most successfully for all concerned. Nonetheless, the hazards which the committee has mentioned are very real, and if they can be eliminated or substantially reduced every effort should be made to do so.

Deficiencies in Oregon Adoption Procedures

Many of the deficiencies in Oregon adoption procedures become immediately apparent when the facts of the hypothetical independent adoption described above are checked against the committee's list of essential adoption safeguards. *The committee feels strongly however, that the fundamental deficiency is the lack of adequate preplacement investigation of the adoptive parents and of the child in independent adoptions.*

We have noted that the Oregon statutes, like those of a majority of states, require a "social investigation" before the court acts on the adoption petition. In Oregon this investigation is made by the State Public Welfare Commission. The regrettable fact is that this investigation normally comes too late to be effective where an independent adoption is involved.

The investigation is not made until the adoption petition has been filed and served on the Commission. By that time the child has almost always been in the adoptive parents' home for weeks, months or even a year or more. He has become a part of that home and emotional attachments and deep-rooted love ties have been formed. Realizing this situation, the court is most reluctant to deny the adoption petition even though the postplacement investigation and report by the Welfare Commission reflects adversely on the petitioning parents or on the background of the child. The court is conscious of the harm which may be done the child and the home by uprooting him after such love ties have become fixed. Moreover, the court is aware that even if it denies the adoption petition it has no authority to remove the child from the petitioner's home unless he has been badly abused or neglected. To leave the child in the petitioner's home unadopted would normally worsen rather than better his situation. Accordingly, denials of adoption petitions because of unsuitability of the adoptive parents are extremely rare.

CAN A PREPLACEMENT INVESTIGATION BE SECURED? Preplacement investigation necessarily requires a responsible intermediary between the child and the adoptive parents (i) to assume the custody and care of the child pending determination of the suitability of the proposed placement and (ii) to accept responsibility for and to protect the child pending the entry of the adoption decree. To assure the presence of such an intermediary in every unrelated adoption, it would be necessary to outlaw *all* independent adoptions. Contemplation of such a step raises a number of serious questions.

IN WHAT FORM MUST A STATUTE OUTLAWING ALL INDEPENDENT ADOPTIONS BE DRAFTED? Independent adoptions cannot be effectively outlawed if the statute contains an exception permitting unsupervised placements in the adoptive home by the natural parents. Such an exception allows easy evasion of the statute, since a third party who actually arranges the placement can easily make it appear that the placement was made by the natural parent. For example, the Oregon statutes have, since 1919, contained the following provision:

"Private persons forbidden to place children: Exceptions: Penalty. Private individuals, including midwives, physicians, nurses, hospitals and all officers of unauthorized institutions, are forbidden to engage in child-placing work; except that relatives of the first and second degrees may thus provide for children of their own blood; and violations of this restriction shall be punishable by a fine of not exceeding one hundred dollars (\$100.00) for each offense." Section 126-333 O.C.L.A.

In the 31 years since it was enacted, it appears that only one conviction has been obtained under this statute. This was the well-publicized 1949 case of a Portland woman who received children from a Seattle source and placed them with Oregon residents for sums reportedly ranging from \$250 to \$450 per child. In the minds of the general public, these placements would undoubtedly be characterized as true "black market" baby cases, since they involved the placement of children for a definite monetary compensation. They fell very clearly within the statutory prohibition against private individuals engaging "in child-placing work."

The sensationalism and sordidness which attach to the phrases "black market adoptions" and "traffic in babies" bring quick public condemnation upon anyone who engages in the commercial placement of babies. *It cannot be emphasized too strongly, however, that from the standpoint of the child it makes little difference whether he is placed in a poor adoptive home as a result of the arrangements made by a commercial operator in child-placing or by a well-meaning but inadequately informed third party.* This latter type of placement, which has been dubbed "gray market adoptions," has been characterized in a recent article as follows:

"Have you been thinking that most adoption tragedies are brought about by unscrupulous black marketeers who traffic in babies for profit? . . . Many times more lives are wrecked by the gray marketeers—the well-meaning but fatally bungling amateurs who would not dream of taking money for their services, but only desire to be helpful." "Gray Market Babies," Edith M. Stearn, June, 1949, Woman's Home Companion.

It will be recalled that in the year ended June 30, 1950, 444 out of 581 adoptions were

independent placements. It is questionable, however, whether the well-meaning but inadequately informed third parties who arrange most such independent placements could be convicted under the Oregon statute quoted above, first, because of public sympathy for them, second, because the word "work" in the statutory phrase "engaged in child-caring work," might be held to require that the third party must place the child for remuneration, and third, because in most cases it would be difficult or impossible to prove that the third party did more than assist the natural parents or parent in placing the child.*

The table at p. 353 *supra* shows that in approximately 68% of 183 placements in Oregon which were independently made in 1950 a physician was involved in the placement of the child. However, since the usual procedure is for the natural parent (most frequently an unwed mother) to give the consent directly to the adoptive parent, it is highly doubtful whether the doctor's selection of the adoptive parents and recommendation of them to the natural parent could be shown to be in violation of the statute. This view is borne out by the experience in other states.** Your committee believes that rather than resorting to the statutory penalty, there should be a continuous and well-planned program designed to inform the medical profession of the dangers inherent in independent placements.

IS THE PUBLIC READY TO ACCEPT LEGISLATION REQUIRING THAT ALL ADOPTIONS BE HANDLED BY AN INTERMEDIARY WHICH WILL MAKE AN ADEQUATE PREPLACEMENT INVESTIGATION? Your committee has previously stated its belief that the needs and welfare of the child must be the primary criterion in determining the desirability of a proposed adoption. The committee is further convinced that this criterion can be consistently fulfilled only where a preplacement investigation is possible, that is, where a responsible agency assumes guardianship and thus stands between the surrendering parents and the adoptive parents. Experience has shown that legislation will not achieve this objective unless the natural parent or parents are denied the right to place the child independently with non-relatives.

On the other hand, such a denial would directly contradict the frequently held view that the state should not interfere with the parental rights, or as they sometimes are called, the "property rights" of the natural parents. Thus, it is likely that most members of the public feel rather instinctively that the natural parent or parents should have the right to surrender a child to prospective adoptive parents whom the natural parents have personally selected. This is true even though it may be apparent that the natural parents lack the training and resources which are normally thought essential to the selection of adoptive parents on the basis of the best interests of the child. This seeming anomaly can be traced to the traditional reluctance of our society to authorize the state to interfere with the family relationship except in dramatic and violent situations. For example, parents may err badly in their care and training of their children without any suggestion that the state will or should step in until there has been physical abuse or neglect. The freedom thus granted to parents to rear their children as they think best includes, in the minds of many people, the freedom to select, almost without restriction, the person with whom the child is to be placed for adoption.

It is rather obvious that the considerations which may justify the acceptance of parental rights as being relatively absolute in so-called "normal" families may be much less persuasive or may be wholly absent in the surrender of a child for adoption. The very fact that the child is being so surrendered is usually evidence that a normal family relationship does not exist. As an example of this, it is generally recognized that the large number of unmarried mothers, frequently teenagers, who flee from their own communities to avoid disgrace are rarely in a position to exercise selective judgment in the placement of their children. Also of great importance in this area is the fact that the welfare of the child is best protected in most unrelated adoptions when the natural parent does not personally know the adopting parent. A prior acquaintance creates grave uncertainties in the adoptive relationship, since it can never be foretold when the normal parent may re-enter the picture.

Until public opinion has been sufficiently educated in these matters, it seems unlikely that such opinion will support attempts to give the state rather than the parents the ultimate power to determine who shall adopt a child. For this reason alone the committee is doubtful of the feasibility at the present time of attempting to provide by statute that all unrelated adoptions must be channeled through the State Public Welfare Commission or through child-caring agencies licensed by the Commission.

This conclusion is supported by the experience of some eight states which have at-

*The statutory penalty of a \$100 fine seems obviously inadequate in comparison to the gravity of the offense. In view of the fact that only the most flagrant cases are likely to result in a conviction under the statute, it would seem appropriate to make the penalty considerably more severe. See statement of Multnomah County District Attorney John B. McCourt that Oregon's law "needs real teeth" quoted in *The Oregonian* December, 21, 1949, and editorial in *The Oregonian* December, 22, 1949.

**See Comment entitled "Moppets on the Market: The Problem of Unregulated Adoptions," 59 *Yale Law Journal*, 715, 732.

tempted to enact a rigid prohibition against independent placements. The Comment in the Yale Law Journal cited at p. 358 *supra* states (p. 733):

"In two of these states—Utah and New Jersey—the attorney general has nullified this statute by ruling that it does not apply to natural parents. The statutes of other states, though purporting to require that all placements with nonrelatives be made through authorized agencies, have been notably unsuccessful. In Indiana, for example, over half of all placements are made independently; in Maine, independent placements accounted for 91 per cent of the total in 1948."

A fair inference to be drawn from this experience in other states is that a rigid prohibition of all independent placements will not be enforced until the public generally understands and accepts the necessity for such legislation. In its recommendations for a long-range program of reform of the adoption procedures in Oregon your committee will recommend a program of public education designed to secure public support for the prohibition of *all* independent placements.

COULD OREGON'S LICENSED CHILD-CARING AGENCIES HANDLE ALL UNRELATED ADOPTIONS? Public acceptance of the desirability of legislation outlawing all independent adoptions can be secured only through a statewide program of education. But it would be folly to gain such acceptance and rigidly enforce such legislation unless the child-caring agencies were able to discharge adequately the immensely increased burdens which would be thrust upon them if they were handling all unrelated adoptions in Oregon.

In the year ended June 30, 1950, the licensed agencies in Oregon handled only 137 out of a total of 581 unrelated adoptions, or 24 per cent. The agencies have indicated that they are handling the maximum adoption load which their funds and facilities permit. As pointed out in the discussion of agency deficiencies at p. 361, *infra*, trained workers and adequate facilities are required to do the job of preplacement investigation properly.

All of the agencies serve many children who are not available for adoption; none of them maintains the complicated cost accounting which would be required to segregate the costs solely applicable to their adoption services. There are, therefore, no accurate figures on average adoption costs. On the basis of the very rough estimates secured by your committee, it appears that the average cost of placements may be from \$200 to \$350 per placement. In any consideration of these cost figures, it should be kept in mind that by promptly transferring children for whom adoption is not indicated, by working only with unmarried mothers who are likely to relinquish their children, and by accepting only those children most readily placeable, an agency can substantially increase the number of its placements without increasing its over-all expenditures for adoption services. Your committee feels, however, that agency programs which do not provide the more costly services required to handle all types of children for whom adoption is indicated are of substantially less value to the state than those which do furnish such services.

If we assume that average costs per placement could be kept at, say, \$250 if all independent placements were channeled through the public or private agencies, then adequate servicing by agencies of an additional 500 unrelated adoptions per year will cost \$125,000. If the Public Welfare Commission is given authority to make adoption placements it might pick up a fourth to one half of the additional load. Clearly, however, the private agencies cannot handle even one half to three fourths of all unrelated adoptions without a substantial increase in their budgets, staffs and facilities. From what source or sources will the funds for this expansion come?

At the present time the adoption activities of child-caring agencies are supported primarily by Community Chest allotments, by special gifts, by the income of their limited endowment funds, and by payments by the state of the cost of foster home care. Until very recently no Oregon agency charged a fee to adoptive parents. On October 1, 1951, the Boys and Girls Aid Society instituted a fee schedule roughly equal to the cost of having a natural child. (The matter of charging fees for adoptions is discussed in a subsequent portion of this report at p. 365, *infra*). The institution of the practice of charging fees to adoptive parents will provide some new revenue to the agencies and some increase in Community Chest funds can be anticipated if adoption facilities are enlarged. Realistically, however, it seems probable that at least a part of the additional revenues necessary to enable the private agencies to double their adoption services can be derived only from public funds through state or federal support. Thus your committee believes that when the time comes for enactment of legislation outlawing all independent adoptions, consideration should be given to the inclusion of legislative provision for funds to meet a part of the cost of handling such adoptions.

In any event lack of funds must not prevent or delay attainment of the ultimate goal of channeling all unrelated adoptions through agencies. The need is undoubted. And as rapidly as adoptions can be shifted from independent placements to agency placements, the agencies must have adequate income from fees, from Community Chest allotments, and, if necessary, from public funds to meet the need.

COMMITTEE'S CONCLUSIONS ON ELIMINATION OF ALL INDEPENDENT ADOPTIONS OF UNRELATED CHILDREN

On the basis of the factors discussed above, your committee has reached the following conclusions:

1. Preplacement investigations are essential to sound adoption procedure. Such investigations should consider all available homes so that the best possible plan can be made for the child. This sort of investigation is possible only where a responsible intermediary stands between the surrendering parents and the adoptive parents.
2. To be effective, legislation requiring adoptions to be channeled through an agency must prohibit *all* unrelated independent placements, including those by the natural parents.
3. Enactment of legislation prohibiting *all* independent adoptions should be the principal goal of a long-range plan for improvement of adoption procedures which your committee will spell out in a subsequent portion of this report.

Licensed Agencies

JUSTIFICATION OF PREFERENCE FOR AGENCY ADOPTIONS: The committee is of the opinion that once the desirability of a preplacement investigation is conceded, the scales are tipped heavily in favor of agency adoptions, which afford an opportunity for such investigations and against independent adoptions in which such investigations are normally impossible. Your committee anticipates, however, that its expressed preference for agency adoptions may be challenged by such queries as:

No selection is exercised to determine into what family children will be born and raised. How is the welfare of an adopted child endangered by subjecting him to the same risks as all unborn children? and

What proof is there that agency adoptions are "better" than independent adoptions?

With respect to the first of these queries, it is true, of course, that an unborn child cannot choose his parents and may be so unfortunate as to be born into a bad home environment. The misfortune of one child is hardly justification, however, for permitting similar misfortune to be visited on another if it can be avoided. The committee stated at the outset of this report that the primary criterion in adoptions must be what is best for the child. With the present day excess of applicants for children over the number of children available for adoption, there is no excuse for not insuring that, so far as possible, each child is given to the best parents who can be found for him.

Moreover, it will be evident that the relationship of an adopted child to his adoptive parents is essentially different from that of a child to his natural parents. The hazardous status of an adopted child in an illy chosen home has been described as follows:

"An adopted child's entire future welfare depends upon the care and wisdom used in the selection of his new home. He is a 'stranger in the house' unless and until he is psychologically adopted by his new parents, and until he psychologically adopts them. An unhappy, unwanted adopted child has lost two homes, the old and the new. He is not sure what has happened, but he does know that it is bad. He is filled with phantasies of the good life he might have had with his own parents. He is overcome with anger at the family which forced its way into his life. He is tormented with fear that he himself is completely unworthy. He had two chances to be loved and he failed in both of them. Unfortunately thousands of children are being legally adopted in this country by families who are not ready to grant the child full status in their hearts as an own child."*

As to the second query posed above, it must be admitted that absolute proof of the superiority of agency placements in general over independent placements in general is impossible. Actually, of course, since most babies are pretty normal and most people are pretty decent, many independent placements turn out perfectly well. There is certainly a strong presumption, however, that the screening which is involved in the preplacement investigations conducted by all agencies will eliminate a substantial number of potentially bad adoption risks — both among prospective adoptive parents and among children. Comparative studies of how independent and agency adoptions have actually worked out have never been made in Oregon. Indeed, the only published study of this sort your committee has found is that made in Connecticut by Dr. Catherine S. Amatruda of the Yale Child Development Clinic in 1945. Her application to 100 independent placements and

*Address by Stuart R. Stimmel to Child Welfare League of America, National Conference of Social Work—1949 (Mimeographed, 1949).

100 agency placements of what she called "modest standards"* resulted in the following comparative figures:

	Independent	Agency
Good	46	76
Questionable	26	16
Bad	28	8

Dr. Amatruda's conclusion was that "judged in terms of end results, the social agencies do a far better job than does the well-intentioned or expedient laity."

The uniqueness of Dr. Amatruda's study points up the fact that despite substantial progress during recent years the standards for "good" adoptions are still in a formative stage. In the past decade business and industry have made increasingly successful use of various objective tests for determining the type of employment for which particular personnel are best suited. Up to a certain point objective criteria may be similarly helpful in appraising children and prospective adoptive parents for the purpose of reaching a decision as to the placement of a child. It must be recognized, however, that adoption is so personal a relationship that these objective standards must be applied with care and are helpful only in a general screening of children and prospective parents. The final decision with respect to placement of the child must frequently be made on the basis of the subjective intangible impressions of trained workers who have become sufficiently acquainted with the prospective parents and the child to make these intangible impressions an adequate basis for the final decision as to placement.

DEFICIENCIES IN AGENCY PROGRAMS: The committee has found that sound adoption procedure requires that an adoption agency act as a third party intermediary between the surrendering parents and the adoptive parents. In Oregon today the six licensed child-caring agencies play the role of such intermediary in those adoptions which they handle. It is appropriate, therefore, to examine with some care the caliber of the services furnished by the Oregon agencies in this field.

The statistical material at page 6 *supra* shows that for the year ended June 30, 1951, the agency adoption petitions amounted to 207 out of a total of 658 petitions for unrelated adoptions filed in Oregon. Of these 207 petitions, the Boys and Girls Aid Society filed 125; Catholic Charities, 28; Albertina Kerr Homes, 27; and Waverly Baby Home, 27. The Jewish Family & Child Services and the Children's Farm Home filed no adoption petitions in that year, and the number of placements made by these agencies during the past several years is negligible. Of the six agencies, two — Catholic Charities and Jewish Family & Child Services — may be characterized as sectarian; the remaining four are nonsectarian.

The evaluation of the work of a social agency in a specialized field by a lay committee is often of doubtful value. Fortunately, in addition to its own investigation your committee has had the benefit of a recently published report** of the Oregon Child Welfare Survey representing the results of a study made in Oregon during June, July and August, 1949, by the staff of the Child Welfare League of America. The findings reached by the Child Welfare Survey regarding the caliber of the adoption services being furnished by the several Oregon agencies and the deficiencies in the programs of individual agencies are generally supported by your committee's own investigation. Stated in summary form, the Survey's findings and your committee's conclusions are as follows:

Since the Jewish Family & Child Services and the Children's Farm Home handle a negligible number of adoptions, only the remaining four agencies can be said to be actively engaged in furnishing adoption services in Oregon. Of these four, the Boys and Girls Aid Society was cited in the report as being at that time "the only agency that has a professionally trained, experienced staff for all the essential steps in adoption." The Society has developed an excellent system of foster homes to provide boarding home care for the child pending placement with the adoptive parents and the Society's director and staff have shown considerable initiative in scrutinizing and attempting to improve the agency's procedures.

Mention should also be made of the Society's work in the placement of older children, children with physical handicaps, family groups of children, and children with special legal complications or of mixed racial heritage. These are children who are involved in

*A child was regarded as a good adoption risk unless it was mentally retarded or had serious personality defects. A family was regarded as suitable unless the investigation disclosed a highly unstable marriage, serious psychiatric difficulties, alcoholism, prostitution, wife beating or drug addiction. Yale Child Development Clinic, Report of Current Adoption Practices in Connecticut—Independent and Agency Placement (Mimeographed, 1949).

**"Oregon Child Welfare Survey, Foster Care Resources and Needs, 1949-1950," made by Child Welfare League of America. The Child Welfare League of America is a national federation of public and private child care agencies which have achieved and maintained prescribed standards of child welfare work. It provides informational, consultative and training services for its members, and conducts an extensive publicity program designed to advance popular understanding of conditions affecting children and needed services for children. It has had a long and favorable experience in surveying services to children and its selection by the State Public Welfare Commission to make the Oregon survey was endorsed by the agencies surveyed.

such complicated social and legal problems that normally adoptive placement would not be attempted for them. By specialized and intensive work the Society in the year ended June 30, 1947, placed 21 such children who, according to all indications, would otherwise have definitely grown up as wards of a public or private agency. The Society's annual report points out that "on the basis of their ages, the 21 special children . . . would have spent an average of 11 years of care each or a total of 231 years of care if they had remained under public or private agency. The cost would amount to more than \$160,000 for that period of time." In the year ended June 30, 1949, 23 such children were placed.

Catholic Charities is also cited by the report as "striving to achieve accepted standards of an adequate adoption program." The agency accepts applications only from families where both parents are practicing Catholics. The report states that the total adoption resources of Catholic Charities are needed in an amount greater than that now provided and that its services should be strengthened and expanded. The chief recommendation of the Survey is that the agency employ immediately a trained staff for its adoption services. In response Catholic Charities employed during July, 1950, a professionally trained social worker who devotes her entire time to adoption work. The agency appears to be genuinely interested in improving its adoption services.

The adoption programs of Albertina Kerr Homes and of Waverly Baby Home were subjected to some criticisms in the report. These criticisms included (a) lack of professionally trained personnel in the adoption field, (b) emphasis on institutional rather than foster home care for children, and (c) failure to provide all of the safeguards which are required by approved adoption standards.

Your committee's own investigation of Albertina Kerr Homes was made a year and a half after the field study by the Survey workers. On the basis of its investigation, your committee does not entirely agree with the Survey's criticisms. The agency does maintain a fairly substantial foster home program, and its present director appears to be desirous of extending the agency's facilities for this type of service to the extent that seems feasible. She likewise appears to be anxious to add professionally trained personnel to her staff, and seems receptive to ideas for improvement of her agency's adoptive services.

It is your committee's impression (confirmed by the Survey's criticism) that Waverly Baby Home's adoption program represents an older and, the committee believes, largely outmoded concept of handling adoptions. Thus, at the time of the committee's investigation, the administration of the program appeared to be marked by a lack of willingness to institute new procedures even on an experimental basis (i.e., foster home care); failure to recognize the desirability of procuring staff workers with professional training; and continuance of the practice of leaving the final selection of an adoptive home to a committee composed in part of lay members of the board of trustees.

In its over-all evaluation of the work of the agencies, the Child Welfare League Survey found a lack of community or state-wide planning by the agencies as a group to secure the most effective use of their adoption services. To this comment your committee would add that while the agency trustees and staffs seem to recognize the need for community support and education as to the aims of their adoption services, they have not assumed the group leadership which might have been expected of them in this field. In the implementation of your committee's recommendations for a continuing program of public education in adoption procedures the agencies must play a leading role.

CRITICISM OF AGENCIES BY THE GENERAL PUBLIC: The views of the general public on the adoption services of Oregon child-caring agencies are in many instances more critical than laudatory. The criticism includes comments that (1) agencies are too inflexible in their processes and standards, (2) parents who apply to an agency hear from it only after a long delay, if at all, (3) because of the long waiting list of applicants for agency placements it is futile to apply to an agency, (4) agency workers prefer to keep children under agency care rather than to place them for adoption in order to secure their own jobs, and (5) some agencies have made glaringly bad errors in placing children.

The validity of these criticisms, of course, varies widely with individual agencies. Taking the agencies as a group, and accepting the validity of the Child Welfare Survey's adverse comments on the practices of particular agencies, it appears that certain of the criticisms have some measure of justification. In large part, however, the complaints are due to the critics' lack of understanding of agency problems and agency aims. To answer their critics, the agencies might take several affirmative steps:

1. They should analyze their adoption procedures and policies to make sure that their standards for adoptive parents and of adoptable children are not unduly rigid.

2. They should keep in touch more consistently with their waiting list of applicants and as tactfully as possible allay the dissatisfaction of such applicants. For example, the Boys and Girls Aid Society now distributes to its adoptive applicants an outline of the steps through which an application with the Society may be carried from the time a couple first expresses an interest in adoption to the time a child is placed with them, or the application is closed. It is the purpose of the agency to see that the waiting list of

applicants is not longer than is needed to give an adequate choice to the children becoming available for adoption. Since the procedure represents something of an innovation in adoption practices and gives a good picture of the problems which confront agencies generally, the outline is reproduced as Appendix C of this report.

3. They should collectively work out a program designed to explain to the public the problems involved in the placement of children for adoption, and the agencies' methods of solving those problems. The Conference of Private Child Caring Agencies provides a constructive means for coordinated action by all of the licensed agencies. Such action should include the planned use of radio and newspaper interpretation on a continuing basis; the preparation and distribution of material specifically designed for special groups, i.e., physicians, attorneys, ministers, educators; active assistance in the development of citizens' committees throughout the state; and utilization of the experience of adoptive applicants, physicians, attorneys, educators, and community leaders to develop improvements in agency procedures. So far as possible these activities should not be confined to Portland and its vicinity, but should be statewide.

4. Since the failure of one agency to maintain proper standards of adoption procedure will color the public's impression of and attitude toward all agencies, any agency doing substandard work should be pressed and assisted by the others to raise its standards to the proper level.

Your committee's investigation of the opinions held by the general public with respect to agency adoption services brought to light one substantial criticism by agencies of some members of the community. This criticism relates to the efforts of friends and relatives of a couple on the agency waiting list to see that the agency gives a child to that particular couple. In most instances such pressure does not go beyond repeated urgings to agency administrative heads, case workers and trustees to give special consideration to the desires of the couple in whom the pressure-bringer is interested. Occasionally the pressure may take the form of threats to cut off Community Chest support of the agency or to take some other step to injure its standing in the community.

Generally, of course, such persons are active innocently and with the best intentions and are motivated only by a desire to help a friend. From the standpoint of the agency, however, these requests for special consideration present a highly difficult problem. If they were granted the agency would be breaking faith with its professed standards and with its long list of hopeful applicants who are trusting the agency to be impartial. But because the person making the suggestion is actuated solely by a desire to help his friends, the agency must present its position in the matter with the utmost tact. All of this takes valuable time of the agency's workers. Moreover, in some instances the agency's failure to acquiesce in suggestions of this sort is regarded by the person making the suggestions as a personal affront, so that the agency thereafter has an enemy who can do it an immense harm in the community. The remedy, of course, is to educate the public in the essentials of a sound adoption program and in the adoption services provided by the agencies.

SUPERVISION OF AGENCIES BY STATE PUBLIC WELFARE COMMISSION: Under the Oregon statutes the Public Welfare Commission has the duty of investigating and licensing annually all child-caring agencies in the state. The statute expressly enumerates eight points on which the Commission is to base its judgment of the agencies and places on the Commission the duty of inspection and supervision of the agencies. Where the Commission finds serious deficiencies in any private agency and such deficiencies are not corrected within a reasonable time after being brought to the attention of the trustees of the agency, the Commission is granted ample power to revoke or suspend the license of such agency. (Sections 126-319, 322, 335, 336, O.C.L.A.)

It would appear that through its power to withhold or revoke the agency's license the Commission is in the position to force any agency with substandard adoption procedures, staff or facilities to cure such deficiencies or cease its adoption work. In practice, the Commission has never taken the drastic step of revoking or suspending the license of any agency authorized to place children for adoption. The Commission's reluctance is undoubtedly due in part to a feeling that the adoption safeguards provided by even substandard agencies are preferable to the almost complete lack of safeguards surrounding most independent adoptions. The removal of any active agency from the adoption field without a simultaneous increase in the funds and facilities of the other agencies would simply increase the number of adoptions arranged through independent sources. Weighing all of the consideration, your committee feels the Commission may properly be very patient with the licensed agencies and should use every means to encourage and assist a substandard agency to cure its deficiencies. However, where the agency demonstrates complete unwillingness to recognize its failings and to cooperate in self-improvement the Commission should exercise the police power granted it by the Oregon statutes and should revoke the agency's license and force the agency to cease adoption work.

MULTIPLE AGENCIES VS. ONE OR TWO AGENCIES: There are now four active adoption agencies in Oregon. All of them have their principal offices and facilities in Portland, but

accept children and receive adoption applications from any county in the state. The Child Welfare Survey Report described above states that one major nonsectarian agency should "be recognized as a primary and leading resource in the adoption field." It recommends that the Boys and Girls Aid Society's adoption work be strengthened and expanded and that the adoption services provided by Albertina Kerr Homes, Waverly Baby Home and the Jewish Family & Child Services be eliminated. Under the recommendations in the Child Welfare Survey report, Catholic Charities would continue to handle Catholic adoptions.

The Survey's recommendations present one side of the rather fundamental issue of whether Oregon should continue to have several nonsectarian adoption agencies or only one. In summary, the Survey's arguments in favor of making the Boys and Girls Aid Society the sole nonsectarian adoption agency are that it will provide a sound structure for adoptions in Oregon; it will make easier pooling of specialized skills and facilities; it will increase accountability both through self-appraisal and appraisal by the community; expansion of the limited adoption services of the smaller adoption agencies cannot be justified from the standpoint of expense; and, finally, the varied and uneven standards of the several agencies result in confusion in the minds of the public and in some children enjoying higher standards of service than others.

On the other side of this issue, those who disagree with the Survey's proposal make five principal points:

First, and most important, it must be recognized that the selection of particular adoptive parents out of an excess of applicants is largely a matter of personal judgment on the part of the responsible workers of an agency. It is highly desirable, therefore, to have in a community several different agencies with several viewpoints on adoption matters. Public suspicion of favoritism or of too-rigid standards in placement of children is less likely where several agencies are available to serve prospective adoptive parents.

Second, where several agencies are engaged in child placement the policies and procedures of each agency provide a stimulus and a comparative guide for the others in the evaluation of their work. The concentration of adoption services in a single agency might result in undesirable rigidity, passivity, and failure to experiment with and adopt new procedures.

Third, it is desirable that all agencies caring for children should have power to place them for adoption in order to insure that in making plans for the child's future the agency workers will be "adoption minded." (Oddly, despite the increased stature which would be accorded the Boys and Girls Aid Society by the Survey's proposal to make it the sole nonsectarian adoption agency in Oregon, the present director of the Society does not favor the proposal, principally for the first three reasons given herein.)

Fourth, since the transfer to Boys and Girls Aid Society of the facilities and all of the funds now devoted by Waverly and Albertina Kerr Homes to adoption services would be impossible, the total agency adoption resources of a community would be decreased and more adoptions would be arranged through independent sources.

Fifth, if any agencies are now providing inferior services, it should be possible to bring their services up to acceptable standards by assistance from the other agencies and by pressure from the State Public Welfare Commission through its licensing power instead of forcing the deficient agencies out of the adoption field entirely.

Your committee has concluded that it cannot be predicted with certainty whether Oregon will be better served in the long run by several agencies or by one. It seems probable that a single agency would be able to handle adoptions at less cost than the same number of adoptions could be handled by the several agencies now providing services. Whether the community would receive better adoption service seems problematical. Moreover, in the adoption field it is not enough merely to do an efficient job judged by objective standards. In addition, the method of providing adoption services must be sufficiently free of any suspicion of too rigid standards and procedures or of favoritism to win and hold public confidence and support. Because this public confidence is essential to the success of an adoption program by agencies, your committee believes that the first and third arguments listed above in favor of multiple agencies must be given primary weight. Accordingly, your committee favors continuance of the present system of providing adoption services through several agencies, subject, however, to the condition that those agencies which may be found to be doing substandard work shall be required to cure their deficiencies.

SHOULD THE STATE PUBLIC WELFARE COMMISSION BE AUTHORIZED TO ACCEPT AND PLACE CHILDREN FOR ADOPTION? At the present time the State Public Welfare Commission does not have authority to accept and place children for adoption. This activity is reserved to the private child-caring agencies which the Commission licenses. Tied in with the problem of multiple agencies vs. a single agency in the adoption field is the question of granting the Commission authority to provide adoption services directly.

Your committee believes that extension of authority to the State Public Welfare Commission to accept and place children for adoption is desirable if the Commission is permitted to accept responsibility in this field only to the extent that it feels it has funds and personnel to do the job adequately. One of the strongest arguments in favor of multiple private agencies is also the principal argument in favor of the grant of adoption powers to the Commission — that is, that every agency which has the responsibility for making plans for the future of children should be given power to place them for adoption and thus be encouraged to consider adoption as a possible solution for the children under its care.

We have mentioned the pressure brought by members of the community on private agencies to give a child to a particular couple. It must be recognized that the Commission as a public agency would be particularly subject to pressures of this sort — frequently applied through political channels. The antagonism of applicants who failed to receive a child from the Commission might similarly be expressed through political attacks on the Commission's personnel and on its appropriations. Despite these very real hazards, the ultimate criterion here, as in other matters of adoption policy, must be the best interests of the child involved. Your committee believes that if the Commission is given adoption powers and permitted to use its discretion as to the extent it is prepared to act in this field, the children for whom the Commission is responsible will be substantially benefited. Your committee's conclusion that adoption powers should be granted the Commission is strengthened by its feeling that the present administrators of the Child Welfare Division of the Commission have a sound conception of good adoption practices and by reason of their investigation of adoptions have had considerable practical experience with the problems involved.

It may be noted that there is some sentiment throughout the state in favor of the creation of a youth agency which would have jurisdiction of all of the state's activities affecting the youth of Oregon. If such an agency is ultimately created, it would undoubtedly have charge of making plans for the future of many children of adoptive age, and thus it might be desirable and appropriate to give it the power to place children for adoption.

FEES FOR ADOPTION: In the discussion of methods of financing expanded adoption programs by the licensed agencies, page 359 *supra*, it was pointed out that until the institution of a fee schedule by the Boys and Girls Aid Society on October 1, 1951, no Oregon agency made any charge for its adoption services. In other states, agencies have done considerable experimenting with the practice of charging fees to adoptive parents, and a substantial number now regularly impose such a charge. Thus, of 67 agencies which answered a questionnaire circulated in 1947 by the Child Welfare League of America, approximately one fourth stated that they charged a fee to adoptive parents.

The pattern of fee schedules varies widely among different agencies. Of the agencies reporting to the Child Welfare League in 1947, the greatest number charged between \$50 and \$150 per adoption. In some agencies the fee is a flat amount; in others it is graduated in accordance with the income of the adoptive family, the amount ranging from, say, \$100 to \$400. Many agencies waive all but a token fee on the basis of limited family income of the adoptive parents or where the child will need expensive or extensive medical care. In California, the statute provides that if a County Welfare Department places a child for adoption it may charge a fee equal to the cost to the county of the care of the child but not more than \$200.

The fee program inaugurated by the Boys and Girls Aid Society involves a \$10 application fee, a \$35 study fee, and a \$250 placement fee. It is the definite policy of the agency to waive any fee in whole or in part whenever the welfare of a child will be benefited by such waiver.

Your committee is convinced that at the present time lack of funds (a) severely limits the number of adoptions which Oregon agencies can handle; (b) results in delays which are a principal source of public criticism and distrust of agencies; and (c) makes it difficult or impossible for agencies to maintain the highest standards of adoption service. It also appears that many adoptive parents expect, and indeed would feel more comfortable if they were charged, a fee for the service they are receiving. There are, of course, substantial problems involved in institution of a fee schedule. The agency must make sure that the public understands the reason for the fee and the method of fixing the amount and of determining the cases in which it will be waived.

Although your committee recognizes the difficulties involved in charging fees for adoptions, it believes that it is highly desirable for the agencies to institute a schedule of fees and that the step would be approved by prospective adoptive parents and by the public generally. The amount of the fee and the method of making the charge must be left to the discretion of the individual agencies.

COURT COMMITMENTS OF CHILDREN TO AGENCIES: A substantial volume of agency placements consists of children permanently committed to the care of an agency by the

juvenile courts in the various counties. These include abandoned, neglected and delinquent children who have been removed from their parents' custody and control by court order after due notice and hearing. To assure the most complete protection of the rights of the parents and the welfare of the child, the Juvenile Court for Multnomah County follows in most cases the practice of putting the child in the status of a ward of the court for one year prior to a hearing on the question of permanent commitment.

The permanent commitment of a child to the care of an agency makes the agency the guardian of the person of the child during his minority. The agency is then in a position to place the child for adoption and may exercise all the right and authority of the parents of such child in the adoption proceedings. In the past two or three years an average of 25 to 30 children per year have been permanently committed to agency care by the Juvenile Court for Multnomah County.

ADOPTION SERVICES FOR OLDER CHILDREN, HANDICAPPED CHILDREN AND CHILDREN WITH SPECIAL PROBLEMS: No adequate study of adoption can be made without giving special emphasis to those children who need good adoptive homes, but who under ordinary circumstances might never obtain them. Included in this classification are older children, family groups of children, children of mixed or special racial heritage, children with serious physical limitations, and children involved in legal complications which make placement particularly difficult. Older children and family groups of children with widely varying personalities and abilities usually require the services of adoption specialists if they are to be able to move from a troubled past into a secure acceptance of new parental relationships. The difficulty of finding adoptive homes for children of mixed or special racial parentage and for those with severe physical limitations is obvious. Children with legal problems need all of the regular services plus professional legal assistance to open the way for their adoption. All of these children may grow up in institutions or foster homes unless exceptional efforts are made to find the right families for them.

The Reader's Digest in an article in September, 1948 (condensed from the Christian Herald) analyzed the situation on a nation-wide basis and concluded that there was urgent need for expanded adoption services for all children, including the children whose placement is particularly difficult. The author of the article concluded that additional funds were greatly needed for this purpose, stating, "With more money, public and private agencies could hire more case workers, giving more time to those children now ignored."

Your committee is impressed with the need in Oregon for adoption services for older children and other children with special problems who are available for adoption and who should be adopted. For them, growing up in institutions or foster homes as public or charitable charges is a cruel expedient. Many of them, by virtue of their already tragic experiences or physical disabilities, are particularly in need of the love and security of normal homes of their own. They are deprived of it, not because good adoptive parents cannot be found for them, but because the community has failed to provide sufficient facilities for working out their adoption. In general, placement of these children requires substantially more time and attention of specialists with natural talent and professional training than does placement of normal, healthy infants. As a result, the average cost of placing such children in adoption is likely to be high in terms of salaries and expenses for professional services. In the eyes of the community the immediacy of these costs is apt to outrank the much greater long-run cost of maintaining these children in institutions or foster homes rather than in adoptive homes of their own. It is frequently less difficult to raise money for food and lodging for children in need, than to finance the employment of skilled personnel to solve that need.

The adoption program carried on by the Boys and Girls Aid Society for these children with special problems (described at page 361 and page 362 *supra*) received special commendation in the above-mentioned Reader's Digest article. The Society has been unable, however, to expand sufficiently to meet the greatly increased demands made on it in this field. The year 1951 brought to the Society a record number of children with special problems, and to serve these children properly, it has been forced to restrict greatly its intake of new referrals of such children. Since the Society and Catholic Charities, a sectarian agency, are the only licensed agencies in Oregon that place for adoption children over five years of age, the Society's restriction of its intake has resulted in the Juvenile Court of Multnomah County and other referral sources being unable at the present time to transfer a number of children over five years of age to any agency for placement in adoption.

For many of the children described in this section placement in adoptive homes means the difference between tragedy and happy childhood. To the community, the socially desirable benefits of such placements would be of incalculable value. The placements would also result in an actual dollar saving to the community, since the long-term costs would be much greater if these children grew up as public or charitable charges. Your committee believes (1) that private licensed agencies should be given every encouragement to expand their adoption services to these children; (2) that the special needs of these children constitute an additional reason for granting the State Public Welfare Commission authorization to place children in adoption; and (3) that adequate financing should

be assured the private agencies and Commission to enable them to employ qualified professional staff members to provide full adoption services for these children.

Miscellaneous Deficiencies in the Oregon Adoption Statutes

The facts of a representative, though hypothetical, independent adoption summarized at pages 354 and 355, *supra*, not only demonstrate the failure of Oregon's adoption laws to prevent child placements by unqualified third parties, but also illustrate other deficiencies in the Oregon statutes. Certain of these deficiencies will be discussed below.

CUSTODY OF CHILD WHERE AN ADOPTION PETITION IS DENIED, WITHDRAWN OR DISMISSED: It is a serious deficiency of the Oregon adoption statutes that they make no provision for the protection of the child when an adoption petition is denied, withdrawn or dismissed. Your committee believes it is of primary importance that the statutes be amended to provide specifically that in such instances the court having jurisdiction in children's cases shall have power to make the child a ward of the court and to give custody of the child to a licensed child-caring agency or the State Public Welfare Commission, which would be responsible for future plans for and placement of the child. Statutes of this sort are in effect in several states. (See Ohio General Code Ann. Sections 10512-21, p. supp. 1950), and (Fla. Stat. Ann. Section 72.28, supp. 1950). In addition the Oregon law should require that the Clerk of the Court having jurisdiction of adoptions should report promptly to the State Public Welfare Commission the action taken by the court or the petitioning parties on all adoption petitions.

REGISTRATION BY PERSONS RECEIVING A CHILD FOR PERMANENT CARE: Your committee has noted in an earlier portion of this report its conviction that independent placements do not provide proper safeguards for any of the parties to an adoption, and particularly for the child. At the present time the State Public Welfare Commission has no record of any sort of children who are turned over to third parties by their parents unless an adoption petition is filed by the prospective adoptive parents. To provide protection for the child where he is being transferred by his parent or other custodian to a new custodian your committee recommends the enactment in Oregon of an entirely new provision requiring that persons receiving a child into their home intending to give that child care for a specified period of days must file a report to the State Public Welfare Commission within, say, fifteen days. Exceptions might be made where the person receiving the child is a relative within the second degree or the legal guardian or a licensed agency. The report would set forth the parentage and background of the child and the method in which and the purpose for which he was obtained. The Commission would have the duty of investigating the placement promptly and continuing such investigation periodically until the child was 16. If the Commission should determine that the child should not be kept with the persons with whom he resides it should be authorized to apply to the court for an order of removal. A bill with these general provisions has been sponsored in New York State by the New York Committee on Adoptions. (New York State Assembly Bill No. 2347, introduced Feb. 22, 1949).

The application of such a statute would not, of course, be limited to situations where adoption is contemplated for the child. It would have the additional merit of recognizing the Commission's responsibility in every case where parents turn over custody and control of a child to third parties.

A statute of the type described above would be useless unless it was properly enforced by the State Public Welfare Commission. The administration of such a statute would involve substantial additional expense to the Commission. However, because it would provide less complete protection it would be considerably less costly over all than would a program requiring that all adoptions be handled by licensed agencies. Your committee believes that as a long-range program Oregon should have as its goal the outlawing of all independent adoptions and the channeling of all unrelated adoptions through licensed child-caring agencies and the State Public Welfare Commission. As an interim measure offering substantial protection to children until it is feasible to prohibit all independent adoptions your committee believes that enactment of a statute requiring registration by persons receiving a child in their homes for permanent care is a desirable step.

CONSENTS TO ADOPTION: In its provisions relating to the method by which a parent surrenders his child for adoption, the Oregon statute merely requires consent in writing of the child's parents, or if an illegitimate child, the consent of his mother. Additional provisions cover the situations where the parents are both dead or cannot be found, and where a parent is insane, in prison, or has deserted. (Sections 63-402, O.C.L.A.) The consent in an independent adoption may be revoked at any time prior to entry of the adoption decree.

The informal character of the consent required by the Oregon law leaves the way open for undesirable pressures upon the surrendering parents by unlicensed intermediaries or by families desiring to adopt the child and for misunderstanding as to the implications of the document being signed. A number of states provide that the consent

must be signed before a notary public or other official authorized to take acknowledgements; others require that the consent be signed in the presence of a judge or of an officer of the State Welfare Commission. In California, for example, consents must be signed before a representative of the State Welfare Department or of a licensed county adoption agency. These requirements are usually waived where the adoption is arranged by an authorized agency.

After careful consideration your committee has concluded that the Oregon law should be amended to provide that in all independent adoptions the consent must be signed in the presence of a representative of the State Public Welfare Commission. Such an amendment should be accompanied by a further provision that the consent cannot be withdrawn except with approval of the court having jurisdiction of adoptions. It should also provide that where the person relinquishing the child is outside the State of Oregon the consent shall be signed before a notary public, or other person authorized to perform notarial acts. In such cases it would be well to require the consent of the State Public Welfare Commission of Oregon to the adoption.

These changes would have several beneficial results: First, the natural parents would be protected against pressure to surrender a child for adoption at a time when they have had no counseling and no opportunity to discuss other solutions than the proposed adoption. Today where an independent placement is being made of an illegitimate child it is common practice for the adopting parents to obtain the natural mother's consent while she is still in the hospital.

Under the California procedure the Department of Social Welfare will not witness the consent of the natural mother while she is still in the hospital or maternity home after confinement for the birth of the child. She is given sufficient time to recover physically and emotionally from the experience of childbirth before making her decision and signing the consent.

Second, it would facilitate the work of the Public Welfare Commission in assembling its factual report on the adoption. At the present time the surrendering parent frequently disappears immediately after the giving of the consent and the Commission finds it difficult or impossible to obtain the history and background information which is necessary to determine the legal status of the child and his fitness for adoption.

Third, the Commission would have a record of children surrendered for adoption, and if no adoption petition was filed the Commission could check on the status and welfare of the child.

If Oregon enacted a requirement that all consents in independent adoptions be witnessed by an agent of the Public Welfare Commission, the role played by the Commission's representative at the time the consent is signed should be that of an unbiased interviewer who is able to counsel with the parents and to obtain necessary history and background information to determine the legal status of the child and the fact that he is a proper subject for adoption. The Commission's representative would be acting for the agency of the state which has the duty of protecting the interests of all of the parties involved, and the responsibility of investigating the proposed adoption and reporting to the court. The representative would not influence the natural parent either to sign or not to sign the consent, but would give the parent information regarding the adoption and the implications of signing the consent.

It does not appear that the duty of witnessing the consent will add substantially to the present burden and expense which the State Public Welfare Commission must assume in connection with adoptions. Because of its responsibility for investigation of proposed adoptions, the Commission now tries to interview the surrendering parents in every case to obtain the necessary facts for the Commission's report to the court. Much of the difficulty which the Commission now encounters in making its investigations will be eliminated by the opportunity which the witness requirement would give the Commission's representative to interview the natural parent before the parent left the community. This has been the experience of California Department of Social Welfare in its operations under the California statute.*

WHAT COURT SHOULD HAVE JURISDICTION OF ADOPTIONS? In general, Oregon's judicial system provides for two types of courts: (1) circuit courts of general jurisdiction staffed by judges who must be lawyers; (2) county courts of limited jurisdiction headed by county judges who are not required to be and normally are not attorneys. Their principal function actually is the administration of the county's affairs.

The Oregon statute, Section 64-401, O.C.L.A., gives county courts jurisdiction over adoption proceedings. However, of late years the legislature has eliminated the judicial duties of the county courts in the populous counties of Clackamas, Klamath, Lane, Marion, Jackson, Josephine and Multnomah Counties, so that today adoption proceedings in these counties are brought in the circuit courts. Thus, at the present time approximately two thirds of the adoption proceedings in Oregon are handled by circuit courts

*Letter dated October 23, 1950, from Supervisor of Adoptions, California Department of Social Welfare.

and one third by county courts. Your committee believes that the circuit courts should be given jurisdiction over all adoption proceedings, first, because adoptions involve a somewhat technical judicial procedure which is best conducted by judges who are trained in the law*, and secondly, because it is desirable to have uniformity of jurisdiction over adoptions.

PROVISIONS RELATING TO INVESTIGATION OF ADOPTION PETITIONS BY STATE PUBLIC WELFARE COMMISSION: The Oregon statute now provides that within thirty days after service on it of the petition for adoption the Public Welfare Commission may file with the judge before whom the petition for adoption is pending "such information regarding the status of the child and evidence as to the suitability of the proposed foster home as (it) shall desire to submit."

The Commission does in fact investigate and file a report on all independent adoptions and files a report on all adoptions handled by a licensed agency. It attempts to confine its report to purely factual statements and expresses no judgment and makes no recommendation as to whether the adoption petition should be granted or denied.

It has sometimes been suggested that the Commission should be required to make recommendations to the court regarding the proper disposition of the adoption petition. Your committee believes that such a requirement is undesirable. Representatives of the Commission feel strongly that the study and investigation which they can make in the limited time and with the limited staff and facilities available to them do not justify the making of definite recommendations regarding an adoption petition. They object to accepting a responsibility which they cannot adequately discharge. Moreover, if there are strong reasons for denying the adoption petition they are likely to be evidenced from the facts set forth in the Commission's report without the necessity of a recommendation by the Commission based on those facts.

But even for the assembly of a factual report the thirty-day period granted the Commission in the present statute is far too short for an adequate investigation. In numerous cases the Commission is now forced to request that the court give it additional time within which to file its report. Your committee recommends that the thirty days presently allowed the Commission be increased to ninety days with a proviso that the court in its discretion may allow additional time for filing of the report upon application by the Commission.

Finally, although the Oregon statute states that a copy of the adoption petition "shall be served on the Commission," the Oregon Supreme Court has ruled that the provision for service is not mandatory and that failure to serve the Commission does not invalidate the adoption proceedings. (*Wilcox v. Bishop*, 121 Or. 224, 1927). Your committee recommends that the statute be rewritten in the light of the *Wilcox* case to make it mandatory that a copy of the petition be served upon the Commission.

Contents and Form of Petition for Adoption

CONTENTS OF PETITION: The Oregon statutes relating to petitions to adopt merely authorize the foster parents to petition for "leave to adopt a child and, if desired, for a change of the child's name." (Section 63-401 O.C.L.A.) It appears that the investigation by the State Public Welfare Commission in consideration of the petition by the court would be substantially aided if the statute required the adoption petition to contain such specific information as the name, age and place of residence of the child, the name, age and place of residence of the petitioners, and the name by which the child is to be known; whether the child has one or both parents living, and, in case one or both are alive, their names and place of residence, unless unknown; and the written consent of the parents or other persons empowered to consent to the adoption of the child. Your committee recommends that the Oregon statute be amended to require specifically the inclusion of this vital information in petitions for adoption.

FORM OF PETITION IN AGENCY ADOPTIONS: The Oregon statute requires that the adoption petition in all cases be signed and verified by the adoptive parents. Where an agency has arranged the adoption the facts regarding the natural parents of the child and the legal status of the child are normally solely in possession of the agency and must be supplied by it for purposes of the adoption petition. Because the adoptive parents in agency cases have no personal knowledge of these facts, it seems inappropriate to require them to verify a petition reciting those facts. The committee recommends that where an agency adoption is involved the adoptive parents be required simply to file a petition reciting the essential facts about themselves and requesting court approval of the adoption. The agency would be required to file a separate petition presenting the information regarding the natural parents and the child. It may be noted that most adoption authorities believe it is highly desirable that neither the adoptive parents nor the natural parents

*The outstanding work of Judge Donald E. Long of the Domestic Relations Department of the Multnomah County Circuit Court is an example of what a skilled judge can achieve in this field.

know the identity of the other. The proposed amendment of the statute to require filing a separate petition by the agency would promote this desirable result by reducing the likelihood that the adoptive parents would learn the identity of the natural parents.

INHERITANCE BY AN ADOPTED CHILD: Under the Oregon law an adopted child inherits from his adoptive parents as though he had been born to them. (Section 63-407 O.C.L.A.) It appears, however, that under the present law the adopted child is likewise held to inherit from his natural parents. This is inconsistent with the theory of complete transfer of the parental relationship from the natural parents to the adoptive parents. Accordingly, your committee recommends that the law be changed by inserting a provision expressly stating that the adopted child shall not inherit from his natural parents once the adoption decree has been entered.

GENERAL RECOMMENDATIONS

Summary of Committee's Conclusions

Your committee has referred in the body of this report to proposed long-range and short-range programs for the reform of Oregon adoption laws and procedures. As background for its recommendations with respect to these programs the committee recapitulates below certain of the conclusions expressed under the various subheadings of the report.

The committee believes that proper adoption safeguards can be provided only by having an adoption agency make a preplacement investigation of the child and the prospective adoptive parents. It further believes that legislation channeling all unrelated adoptions through agencies is a desirable long-range goal and that such legislation should be enacted as soon as (i) public support of its enforcement is assured, and (ii) the agencies advise that they have funds, staff and facilities to handle all adoptions.

The committee favors the continuance of the present system of having several agencies licensed to place children for adoption rather than centralizing all nonsectarian adoptions in a single agency. It believes that adoption placement powers should be granted the State Public Welfare Commission with the understanding that the Commission will not be required to offer adoption services beyond the limits of its funds and personnel. Further, it believes that both private agencies and the Commission should be given every encouragement to expand their adoption services for older children, handicapped children and children with special problems.

The committee has concluded that the practice of charging fees to adoptive parents would be approved by agency applicants and by the general public and is a desirable way of increasing agency income.

Of its several legislative recommendations, the committee regards as most important (i) the enactment of a provision that when an adoption petition is denied, withdrawn or dismissed the court having jurisdiction in children's cases shall have power to make the child a ward of the court and to give custody of the child to an agency equipped to make plans for his future; and (ii) enactment of a statute requiring that persons receiving a child into their home intending to give him permanent care shall register promptly with the State Public Welfare Commission, which will have the responsibility of investigating the placement periodically.

Long-Range Program

The principal goal of the long-range program must be the education of the public about adoption in general so that it will have a wider understanding of the risks involved in faulty adoption procedures and of what constitutes good adoption practice. It is highly desirable that public education in so warm and personal a subject as adoption be carried out on as personal and direct a basis as possible. Your committee believes that lectures and talks to relatively small groups and the publication in papers and periodicals of articles so written as to have a popular appeal will be far more effective than the mere distribution of pamphlets. In addition, an educational program should be designed to reach particularly those groups—doctors, hospital attendants, attorneys—who tend to become involved in arranging independent placements.

To implement the educational program it has proposed, your committee makes the following specific recommendations:

A. OREGON ADOPTION COUNCIL. There should be formed as a continuing group an adoption council composed on a state-wide basis of representatives of the child-caring agencies, the State Public Welfare Commission, the courts having jurisdiction of adoptions, the medical profession, the legal profession, clergymen, and other groups interested in adoption problems.

B. WORK OF ADOPTION COUNCIL. The primary purpose of the adoption council should be the education of the public—and particularly those members of the public who tend

to become involved in placement of children — in the risks of unsupervised placements and the advantages of agency adoption services. Such a council might undertake the following projects:

1. The preparation and distribution of a series of informal but informative letters to physicians, lawyers, clergymen, hospital superintendents and nursing school directors to explain the problems involved in placement of children for adoption. (This approach appears to have been used with some success by the Section on Adoptions of the Council of Social Agencies in Rochester, New York.)

2. Preparation and arrangement for publication in newspapers and periodicals throughout the state of articles relating to adoptions.

3. Collection and study of criticisms of present adoption practices to determine to what extent the criticisms are valid and in what ways faulty practices can be corrected.

4. Maintenance of a speakers' panel to deliver talks on adoption practices to local study clubs, luncheon clubs and similar groups.

5. Exploration of the possibility of inclusion of lectures on adoptions in family study courses and similar courses in the colleges and universities in the state.

6. Consideration of means of increasing the funds available to adoption agencies so that they can handle adequately an increasing number of adoptions.

C. MEASURES APPLICABLE PARTICULARLY TO THE MEDICAL PROFESSION.

1. As a preliminary step printed copies of this report should be mailed to the secretaries of and be made available to the members of the Oregon State Medical Society, the various County Medical Societies in Oregon, the various medical societies within the state made up of specialists in obstetrics, psychiatry and pediatrics, and to the various state and county societies of osteopathic physicians. The suggestion should be made to each of the groups that the organization express a definite opinion on the report, and particularly on those portions referring to the medical profession.

2. Information regarding adoption practices, particularly stressing the advisability of agency-supervised adoptions, should be presented in a stimulating fashion to third and fourth year students at the University of Oregon Medical School, preferably as part of their courses in pediatrics.

3. Agencies concerned with adoptions should give serious consideration to the desirability of placing at least one member of the medical profession in the field of obstetrics and one in the field of pediatrics on their boards of trustees.

4. Efforts should be made to see that organizations of the legal profession, of social workers interested in adoption, and of the various medical groups invite speakers from the other organizations to discuss adoptions at their periodic meetings as a means of encouraging full consideration of the adoption problems in the community.

D. ENACTMENT OF LEGISLATION CHANNELING ALL ADOPTIONS THROUGH PRIVATE OR PUBLIC AGENCIES.

At such time as (i) public opinion has been sufficiently educated to support such legislation, and (ii) the agencies advise that they are prepared to handle all adoptions, a statute should be enacted requiring all adoptions to be channeled through a public or private agency.

Short-Range Program

NON-LEGISLATIVE RECOMMENDATIONS:

- A. Additional Oregon adoption agencies should institute the practice of charging fees to adoptive parents.

LEGISLATIVE RECOMMENDATIONS:

As noted in the principal portion of the report, certain of the committee's conclusions require the enactment of legislation to make them effective. Accordingly, your committee recommends that the City Club support the following legislative changes in adoptive procedures and practices:*

- A. Provide for the custody of the child in cases where an adoption petition is denied, withdrawn or dismissed. p. 367.

- B. Require registration with the State Public Welfare Commission by persons receiving a child into their home intending to give him permanent care. p. 367.

- C. Require that consents to adoption be witnessed by a representative of the State Public Welfare Commission. pp. 367, 368.

- D. Give jurisdiction of adoptions exclusively to the circuit courts of the state. p. 369.

- E. Grant the State Public Welfare Commission power to place children for adoption. p. 370.

*These recommendations are stated in summary form and should be regarded as incorporating by reference the fuller statements appearing in the body of the report at the pages shown after each recommendation.

F. Grant the State Public Welfare Commission 90 days to investigate and file a report on adoption petitions. p. 369.

G. Make it mandatory that a copy of the petition for adoption be served on the State Public Welfare Commission in every adoption proceeding. p. 369.

H. Require notice to the State Public Welfare Commission of the action taken by the court or the petitioning parties on all adoption petitions. p. 367.

I. Provide that the petition for adoption shall include certain specific information relating to the child and the petitioners. p. 369.

J. Permit separate petitions for adoption by the agency and by the prospective adoptive parents in agency adoptions. p. 369.

K. Provide that the adopted child shall not inherit from the natural parents after entry of the adoption decree. p. 370.

Respectfully submitted,

DR. CHARLES BRADLEY

DON J. CAMPBELL

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THOMAS B. STOEL, *Chairman*

Approved by Tom Humphrey, *Section Chairman*, Social Welfare, for transmittal to the Board of Governors. Received by the Board of Governors February 11, 1952, and ordered printed and submitted to the membership for discussion and action.

POSITION OF WILLIAM H. ZAVIN, M.D.

Dr. William H. Zavín, a member of the committee authorized to study and report on Oregon Adoption Laws and Procedures, requested that he be permitted to refrain from signing the report. Dr. Zavín expressed appreciation of the objectivity and lack of bias of the report and emphasized that he was not dissenting from the report, but stated to the Board of Governors*, "In my reading of the report as finally drafted, I found that the medical profession, of which I am a member, was subject to several suggestions for education in adoption generally, and for improvement of adoption practices. In view of this situation I felt that it was my place to receive constructive criticism along with my colleagues rather than to sit as a judge formulating policies for my colleagues to accept."

*The full text of Dr. Zavín's letter to the Board of Governors is on file in City Club offices.

APPENDIX A

In general, the committee's investigation took the form of consultation and interviews over an extended period with representatives of such groups as the State Public Welfare Commission, the several adoption agencies, the Domestic Relations Court for Multnomah County, the Child Welfare League Survey Team, and the Council of Social Agencies, and with adoptive parents, ministers and doctors. In addition, the committee members read extensively in adoption literature to gain background and perspective, to acquaint themselves with adoption procedures used in other states, and to find solutions for specific problems.

Throughout the rather lengthy period during which the report was in course of preparation individual committeemen sought opportunities to discuss adoption matters informally with many members of the general public. Screened and synthesized by the committee as a whole, the reports of these discussions are the principal basis for the committee's findings and recommendations with respect to a long-range program of education of the public about adoption in general.

A partial list of witnesses and interviewees and a selective bibliography of materials consulted have been filed with the City Club office.

In the course of its work the committee was able to stimulate considerable interest in adoption procedures among the members of the Portland Society of Obstetricians and Gynecologists. Representatives of the committee were invited to discuss adoption problems at a meeting of the Society and the committee was given a copy of the Society's

recommendations with respect to a list of problems submitted to it by the committee. These recommendations have been filed in full with the City Club office and include the following statements:

"Doctors of Medicine who have had experience on adoptions of newborns, have had success with licensed agencies

"The function of licensed agencies in Adoptions in the State of Oregon is not sufficiently appreciated. Some program should be set up to inform Doctors of Medicine of the laws relating to adoptions, the aims and functions of licensed agencies, of the pitfalls and tragic results encountered in adoptions of newborns not supervised by licensed agencies. Further, the general public should also be informed of these same facts."

The committee was unable to solve the problem of making a qualitative analysis of the success of independent and of agency adoptions in Oregon. In its consideration of means of making a comparative study, the committee could find no way of surmounting such barriers as (a) the confidential status of all court records of adoption procedures; (b) the necessity of having full-time trained investigators to conduct such a study; and (c) the harm which might be done by indelicate probing into established relationships in adoptive families. The committee also gave consideration to methods of discovering and investigating complaints regarding agency practices. The suggestion that the committee advertise in the local papers for critical witnesses was rejected when it appeared that the witnesses turned up by such advertisements by the adoption committee in Allegheny County, Pennsylvania, were almost entirely of the irrational "crack-pot" variety.

In the opening paragraph of the report the committee has pointed out that the complexity of the subject of adoptions required the report to be selective rather than comprehensive. For those readers who are troubled by the failure of the report to cover some segments of the adoption field, the committee can only emphasize again that the limitations of space required it to make a selection of the material to be presented. Actually, in arriving at a basis for its selection the committee investigated with varying degrees of thoroughness, several aspects of adoption which are not mentioned or are mentioned only sketchily in the report. Among such matters which were studied but not discussed at length in the report were: the special problems presented by unmarried mothers, whose children form the principal source of unrelated adoptions; the question of the best age for placement of the child in an adoptive home; and the problem of interstate placements.

APPENDIX B

State Public Welfare Commission, Portland, Oregon

REPORT ON PETITIONS FOR ADOPTION FILED DURING THE FISCAL YEAR ENDED JUNE 30, 1950

Table 1: Sex and race of persons named in petitions, by type of adoption.

Sex and Race	Total	By Type of Adoption			Agency	Number Non- Related Persons
		Total	By Rela- tives	By Non- related Persons		
Total number of persons	1,218	1,081	635	(1) 446	(2) 137	(1) 581
Per cent	100.0	88.7	52.1	36.6	11.3	47.7
Per cent of non-related persons	76.8	23.2	100.0
SEX						
Children	1,194	1,058	619	439	136	573
Male	630	552	319	233	78	310
Female	564	506	300	206	58	263
Adults	24	23	16	7	1	8
Male	5					
Female	19					
RACE						
Children	1,194	1,058	619	439	136	573
White	1,183	1,051	614	437	132	567
Negro	5	5	3	2	..	2
Other	6	2	2	..	4	4
Adults—White only	24	23	16	7	1	8

(1) Includes 2 white female adults whose relationship to petitioners is not known.

(2) Includes 2 white children (1 male, 1 female) adopted by relatives.

Table 2: Age of children at time of petition, by type of adoption.

Age at Time of Petition	Total	Type of Adoption			Agency
		Independent	By Relatives	By Non-related Persons	
Children:	1,194	1,058	619	439	(1) 136
Under one month.....	212	211	6	205	1
One month less than 6 months.....	95	90	23	67	5
6 months less than one year.....	56	42	17	25	14
One year less than 2 years.....	105	45	20	25	60
2 years less than 3 years.....	85	67	50	17	18
3 years less than 6 years.....	240	217	167	50	23
6 years less than 14 years.....	309	296	252	44	13
14 years less than 21 years.....	92	90	84	6	2

(1) Includes 2 children one each 3-6, 6-14, adopted by relatives.

Table 3: Legal status of children at time of petition, by type of adoption.

Legal Status	Total	Type of Adoption			Agency
		Independent	By Relatives	By Non-related Persons	
Children:	1,194	1,058	619	439	(1) 136
Born out of wedlock:	468	368	115	253	100
Mother not married.....	431	339	111	228	92
Mother married but not to natural father..	37	29	4	25	8
Born in wedlock:	706	673	502	171	33
Full orphan.....	7	7	4	3	..
Half orphan.....	119	119	90	29	..
Marriage broken.....	484	465	382	83	19
Marriage intact.....	83	73	24	49	10
Not reported.....	13	9	2	7	4
Unknown.....	20	17	2	15	3

(1) Includes 2 children, relative-adopted, born to an unmarried mother.

Table 4: Number of persons named in petitions filed in Oregon, by county of filing, number adopted by resident petitioners and type of adoption.

County in Which Petition Was Filed Naming —	Number of Persons		Type of Adoption		Private Agency
	Total	Resident Petitioners	By Relatives	By Non-related Persons	
Total number of persons.....	1,218	1,064	635	446	137
10 or more persons:					
Multnomah.....	437	353	218	144	75
Lane.....	97	85	51	39	7
Marion.....	67	56	35	29	3
Clackamas.....	57	50	39	18	..
Jackson.....	57	54	29	21	7
Coos.....	53	52	36	12	5
Washington.....	38	36	20	13	5
Linn.....	35	29	17	14	4
Klamath.....	34	34	16	16	2
Douglas.....	31	29	17	13	1
Josephine.....	30	29	14	16	..
Malheur.....	23	21	9	12	2
Tillamook.....	23	20	10	12	1
Yamhill.....	23	20	15	7	1
Deschutes.....	22	22	12	7	3
Benton.....	21	20	9	9	3
Clatsop.....	20	18	12	8	..
Columbia.....	19	18	10	9	..
Polk.....	16	13	13	3	..
Lincoln.....	15	14	11	4	..
Umatilla.....	15	14	6	8	1
Wasco.....	14	12	8	5	1
Union.....	13	13	5	5	3
Hood River.....	11	11	5	4	2
Less than 10 persons:	47	41	18	18	11

7 — Baker, Crook, Curry, Morrow

6 — Wallowa

5 — Lake

2 — Gilliam, Jefferson, Sherman

1 — Grant, Harney

Table 5: Relationship to petitioners of children named, by legal status.

Relationship to Petitioners	Total	Born in Wedlock	Legal Status			Unknown
			Born Out of	Wedlock	Mother Married But Not to Natural Father	
Total number of children:	1,194	706	468	431	37	20
Not related to petitioner(s) . . .	573	204	351	318	33	13
Related to one (or more)						
petitioner	621	502	117	113	4	2
Natural child or stepchild . . .	499	413	85	84	1	1
Other relationship	122	89	32	29	3	1

Table 6: Persons or agency making placement (1).

Person or Agency Making Placement	Number of Children
Total number of adoptive placements of children	570
Authorized persons	244
Mother only	155
Father only	22
Both parents	43
Legal parent or guardian	4
Relative	20
Authorized agencies and institutions	123
Unauthorized persons or agencies	183
Physician	125
Attorney	12
Nurse	4
Court	2
Hospital	2
Other	38
Not reported	15

(1) Adoptive placement implies "intent" to adopt; it excludes arrangements made for child care even though adoption may result from such plans. Of 1,194 children named, 624 were not placed; 574 were already in the homes of relatives who petitioned to adopt them, and 25 were not in the homes of petitioners. The additional 25 adoptions resulted from non-adoptive placements to provide for their care.

APPENDIX C

How to Adopt a Child Through the Boys and Girls Aid Society of Oregon

The following has been prepared to outline the steps through which an application to adopt may be carried from the time a couple first expresses an interest to the time a child is placed or the application is closed. Because over the course of years applications have outnumbered children available for adoption, even to the extent of being more than ten to one at times for certain children, we know that not everyone will be able to secure a child. The following steps, however, make it possible for families to know at all times what they can expect from the Society. There is no waiting list of applicants longer than is needed to give an adequate choice to the children becoming available for adoption.

The cost of the adoption service is shared with applicants by means of a fee schedule. As would be expected, the number of children who can be accepted and the amount of maternity care that can be provided depends on the Society's income. Fees enable us to work with more children than would otherwise be possible. These are waived whenever this is indicated for the welfare of any individual child. The major portion of the Society's income is from charitable funds, including the Community Chests. This is necessary in order to finance the over all program, including care for the many children not available for adoption.

STEP ONE: Application

1. Group Meeting.

Couples interested in the Society's adoption service are urged to attend one of the group meetings which are planned to provide a more thorough discussion of the program than time permits in the individual interviews. These meetings last from two to

two and a half hours. They are generally scheduled on Wednesday at 8 p. m. and on Saturdays at 9:30 a. m. It is necessary to have a reservation which can be secured by telephone or letter. No charge is made for this service and couples are under no obligation to file an application.

2. Application Form.

The application form is ordinarily filed before the application interview. It should be accompanied by the registration fee of \$10. This fee is refunded upon request if the application is withdrawn within 30 days.

3. Application Interview.

Both husband and wife come to the application interview which normally is held in the Portland office. An appointment can be secured by telephone or letter.

STEP TWO: Preliminary Period: The establishment of a balance between the number of applications and the number of children.

Each completed application is considered with all other applications for a period of three months. This permits a study of trends regarding the number of children becoming available for adoption and the number of applications for such children. An ample number of applications needed for the children to be placed are continued for study.

1. At the end of the three month period, all families whose applications are continued are notified that the full study will be started by a specific date.
2. If, at the end of the three month period, it does not seem that the home will be needed for the children currently available or expected to be released for adoption in the near future, the family is notified that their application is being closed. Any family whose application is closed during the preliminary period may re-apply to the Society after six months.

STEP THREE: Study

A convenient time for interviews will be arranged with the families whose applications are continued for full study. The number of interviews will vary according to the situation but sufficient time will be allowed to get well acquainted with each individual in the family. References will be contacted personally or by letter, and the family will be requested to have physical examinations. The fee for study is \$35.

STEP FOUR: Post Study Period: The selection of applications most needed for the children.

After the study has been completed, each family is considered for three months for all children becoming available for adoption. This permits every studied application to be compared with a substantial number of other studied applications. If a child becomes available and there are no applicants for that kind of child already on the approved list, a placement may be arranged immediately.

1. At the end of the three month period, if no child has been placed but if we expect to be able to make a placement, the family is notified that their application is being placed on an approved list to receive a child as soon as a suitable one is available.
2. If, at the end of the three month period, it does not seem that the home will be needed for the children becoming available for adoption through the Society, the family is notified that their application is being closed.

STEP FIVE: Applications Approved for Placement

The applications approved for placement will be varied so as to provide the broad range needed for a good selection of homes for the children. It is expected that all families on the approved list would receive a child within a few months. This is the normal result of the balance maintained between the number and kind of children becoming available for adoption and the number of applications continued for full study. If a family decides not to take a child suggested, they will be given an opportunity to consider others as they become available in the future. However, if in the course of two years no placement is made, the family is notified that their name is being removed from the list as it would seem unlikely that we would be able to place a child with them.

A fee of \$250 is due following placement.

These procedures as outlined will be followed with all families unless for the welfare of an individual child some adaptation is necessary.

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APPENDIX D

Tabulation Showing Agency and Independent Adoption Petitions Filed
for Years Ended June 30, 1935, 1940, and 1951.

